

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**AUGUST 18, 2014**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**6:45 P.M.**

## **OPEN FORUM**

### **Illegal Dumping on Summit Avenue**

**Claire O'Hara of 16 Summit Avenue asked what could be done about one of her neighbors who is illegally dumping tires and grass clippings in the area. There is also a hole in his driveway where Mrs. O'Hara believes that oil has been poured down.**

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### **Noise Complaint at Rockcliff Farm Development**

**Cheryl Leaver of 40 Old Louisquisett Pike complained about noise coming from a car show being held late in the evening at the Firestone building.**

### **Traffic Pattern at CVS Pharmacy/Rockcliff Farm Development**

**Ms. Leaver also could not understand how someone could put a "No Left Hand Turn" sign as you are coming out of the CVS driveway. There are a number of elderly people living at Rockcliff Farms and they have to drive down Route 146 and cross two lanes of traffic to**

**get to their homes.**

**Ms. Hamilton believed that a traffic study had been done in the area and that traffic pattern had been one of the recommendations. She also stated that the Firestone company did not sanction the car show and Mr. Bucci, developer of Dowling Village, was furious that it took place.**

### **Charter Amendment Question**

**Carol Drainville questioned one of the proposed charter amendments where the word “shall” would be replaced by “may”.**

**Mr. Flaherty responded that the Council felt they should have the flexibility to not be mandated to have certain positions in town government, especially if some sort of regionalization came to be in effect and positions could be combined.**

### **REGULAR MEETING**

**The meeting began at 7:01 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. McGee, Mr. Yazbak, Mr. Zwolenski and Mr. Flaherty. Town Administrator Hamilton and Town Solicitor Lombardi were also present.**

### **AMENDMENT TO ZONING ORDINANCE MAP - JARRY**

**This is a petition of Beverly Jarry to rezone Plat 4, Lots 433 and 102 located at 139-141 Main Street from the current zoning designation of**

**Rural Agriculture (RA) to a new zoning designation of Urban Residential (RU).**

**Mr. Flaherty has become aware that not all abutters had been notified, specifically some condominium owners within the Silver Pines development.**

**MOTION by Ms. Alves and seconded by Mr. Zwolenski to open and continue the public hearing to October 6, 2014. This motion was later withdrawn.**

**MOTION by Ms. Alves, seconded by Mr. McGee, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to continue the hearing to September 2, 2014.**

**MOTION by Mr. McGee, seconded by Ms. Alves, and voted unanimously on a roll call vote to continue the discussion and/or vote on the petition to September 2, 2014.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to reconsider the vote on the continuation of the public hearing.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 2 on a roll call vote (Mr. McGee and Mr. Yazbak voted no) to continue the public hearing to September 15, 2014.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to reconsider the vote on the discussion and/or vote on the petition.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to continue the discussion and/or vote on the petition to September 15, 2014.**

**BV LIQUOR LICENSE FOR BLAZIN WINGS, INC. D/B/A BUFFALO WILD WINGS**

**Mr. McGee recused from participating in this discussion.**

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**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote to approve the BV Liquor license with an expiration date of August 18, 2015.**

**HOLIDAY SALES LICENSE FOR FRONTIER STOVE AND SUPPLY INC.**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak and Mr. McGee, and voted unanimously on a roll call vote to approve the holiday sales license.**

**HOLIDAY SALES LICENSE FOR CREATURES PLUS/M. AUDETTE**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to continue this to September 2, 2014**

to enable Mr. Audette to clear up back taxes and to provide a BCI check.

## **LAND TRUST TRAIL EVENT**

Mrs. Ruth Pacheco of 836 Old Smithfield Road noted that the North Smithfield Land Trust will celebrate Land Trust Days with the opening of a trail located at 431 Rocky Hill Road on August 23, 2014. This will mark the first public unveiling of their new property consisting of 22 acres recently donated and cleared by National Grid.

## **SOLARIZE RHODE ISLAND**

Matthew Ray, Rhode Island State Director of SmartPower, gave a presentation on a new program, Solarize Rhode Island. This is a nonprofit organization with a campaign to change energy habits. They work with state agencies and are now working with the Office of Energy Resources to bring solar energy to Rhode Island.

There was discussion about the 2014 Renewable Energy Fund. There are residential and commercial grants for Solar PV and Solar Hot Water; it is funded by ratepayer dollars; and it also supports other renewable technologies.

Solarize is a rooftop solar group purchasing program. The purpose is to reduce the cost of solar projects through increased participation. Mr. Ray noted there are a number of Solarize projects throughout Massachusetts and Connecticut. He emphasized that it does not cost

**the town any money.**

**The first thing that needs to be done is for the Town Council to approve a resolution stating it supports the goals of Solarize Rhode Island. An RFP will be sent out to installers for the installer selection.**

**The Town will then assist in finding volunteers to be solar ambassadors. There will be a launch of the program in October to begin sign-ups.**

**Following comments by Mr. McGee, Mr. Ray assured everyone that his company, not the town, would be the first line of contact if anyone has any problems.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. McGee voted no) to approve the following resolution with the understanding that when it comes time to recommend an installer that due consideration be given to someone with the skill sets for solar hot water as well and that the resolution be put in proper form: “WHEREAS, North Smithfield is a recognized leader in sustainability practices in Rhode Island and seeks to engage in new energy saving measures such as generating electricity with photovoltaic cells; and WHEREAS, the State of Rhode Island has adopted The Resilient Rhode Island Act, which seeks to protect the people of Rhode Island and make our state economy and society resilient in the face of the nearly certain, but not precisely predictable, effects of climate change and calls for the development of strategies**

**and implementation measures to achieve the following reductions in green house gas emissions: 25% below 1990 levels by 2025, 50% below 1990 levels by 2035, and 85% below 1990 levels by 2050; and WHEREAS, solar energy is good for the environment and contributes to a reduction in green house gas emissions; and WHEREAS, generating electricity from solar energy can save North Smithfield businesses and homeowners money on their utility bills and can help control future energy costs; and WHEREAS, solar energy creates opportunities for economic development and job creation; and WHEREAS, solar energy promotes energy independence; and WHEREAS, SmartPower, a not-for-profit entity,**

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**working with Commerce RI and the Rhode Island Office of Energy Resources is launching Solarize Rhode Island to encourage more residential and small commercial solar electric installations; to reduce energy use; to improve the environment; and to create jobs by increasing the use of solar technologies; and WHEREAS, the Town of North Smithfield has endorsed the goals of Solarize Rhode Island; and WHEREAS, SmartPower will promote the town of North Smithfield for its participation in Solarize Rhode Island in media stories, on its website, through social marketing and at presentations; and WHEREAS, the Town of North Smithfield will promote Solarize Rhode Island, including participating in joint outreach opportunities, such as generating press releases, posting information on the community website, providing cable access**

information, ensuring Town of North Smithfield officials' attendance at promotional events, assisting with signage placement and other joint outreach efforts; and WHEREAS, the Town of North Smithfield will designate a person to coordinate communications activities with SmartPower, Commerce RI, and the Rhode Island Office of Energy Resources. NOW, THEREFORE, BE IT RESOLVED that the Town of North Smithfield commits to promote and participate in the Solarize Rhode Island effort known as Solarize North Smithfield with the goal of becoming a leader in residential and small commercial solar electric installations in the State of Rhode Island. RESOLVED that the Town of North Smithfield shall encourage all businesses, institutions and households within the Town of North Smithfield to adopt the goals and purpose of promoting solar energy in our community by supporting Solarize North Smithfield."

**AWARD OF BID FOR POLICE DEPARTMENT TELEPHONE UPGRADE**  
**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to award a bid to upgrade the landline telephone system at the North Smithfield Police Department to Dictronics in the amount of \$8,158.30 based upon the recommendations from Chief Reynolds, Captain Lamoureux, the Finance Director and the Town Administrator. Funds will be paid for by 2012 and 2013 Byrne/JAG Grant Funds.

#### **EASEMENT TO RIDOT FOR PORTION OF MEADOWS PARK**

This is for the Department of Environmental Management's expansion



**of the bike path through North Smithfield into Blackstone.**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on a roll call vote to accept the temporary three-year easement for the Parcels identified as 6B and 7B for approximately 33,381 square feet, a permanent drainage easement of 716 square feet on Parcel 6D and a permanent easement of 17,293 square feet on Parcel 6P all for the consideration of \$1.00 paid by the State of Rhode Island to and on behalf of the Town of North Smithfield.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to authorize the Town Administrator to execute the document.**

**PUBLIC HEARING ON CONTRACT WITH RI COUNCIL 94, AFSCME, AFL-CIO LOCAL 937**

**Mr. Yazbak had several concerns at the last meeting and asked where the negotiations stood.**

**Union Representative Alexis Lyman commented that the contract that was put forth before the Council had been bargained and negotiated in good faith and she was now looking for a Council vote before it can be brought back before the union members for any changes.**

**Mr. Yazbak felt the Council had not been afforded the opportunity to present items they may have liked to see as part of the contract.**

**None of the ideas presented at a prior meeting are being considered in this contract.**

**Mr. Zwolenski agreed that he would like to see another dated hard copy.**

**MOTION by Ms. Alves, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to close the public hearing. A vote is scheduled for September 15, 2014.**

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## **CONSENT AGENDA**

**Mr. Flaherty requested that the minutes of June 23, 2014 and July 21, 2014 be removed from the consent agenda.**

**Mr. Yazbak asked that the payment of bills be removed.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote that the remainder of the consent agenda be approved: 1.) Town Council minutes of June 16, 2014; 2.) Historic District Commission minutes of February 24, March 24, April 28 and May 28, 2014; 3.) Sewer Commission minutes of May 21, 2014; 4.) Conservation Commission minutes of June 10, 2014; 5.) Animal Control monthly report for July 2014; 6.) NSPD monthly report for July 2014 and 7.) NS Municipal Court monthly report for July 2014.**

## **MINUTES OF JUNE 23, 2014**

**Mr. Flaherty recommended increasing the Contingency Infrastructure fund by \$150,000, not \$250,000.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. Yazbak, and voted unanimously on a roll call vote to approve the minutes of June 23, 2014 as amended.**

## **MINUTES OF JULY 21, 2014**

**In regards to Election Referenda Questions, Mr. Flaherty was in contact with both Superintendent of Schools Stephen Lindberg and School Committee member William Connell but had only met with Mr. Connell.**

**MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on a roll call vote to approve the minutes of July 21, 2014 as amended.**

## **PAYMENT OF BILLS**

**Mr. Yazbak recused from this discussion as he has clients on the vendor list.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to approve payment of the following: General Fund - \$610,737.71; Sewer - \$30,683.16; Water - \$3,880.52; School Department - \$1,553,518.58; and Fire Department - \$195,147.00 for a**

**total of \$2,028,164.26.**

## **PUBLIC FACILITIES PLAN/REVENUE PROJECTIONS**

**Mr. Flaherty explained that the bond for the schools proposal is \$4.3 million. Costs are projected to be over by \$172,000 and so he is proposing several minor amendments: 1.) Eliminate renovation of Halliwell building #10 for storage for a cost savings of \$125,000; 2.) Eliminate perimeter fencing of Halliwell School for a cost savings of \$175,000; 3.) Eliminate \$272,624 from the \$400k allocation for A/C at the North Smithfield Middle School (balance \$127,376); and 4.) Add demolition cost of \$400,000.**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on a roll call vote to approve the amendments to the townwide facilities investment plan as proposed by Mr. Flaherty in a document provided this evening.**

## **ZONING ORDINANCE VIOLATIONS**

### **Desper Property on Quaker Highway**

**In response to a question from Mr. Zwolenski, Building Inspector Robert Benoit noted that Mr. Desper of Quaker Highway has been cited and is due to appear in Municipal Court on September 3rd.**

**Mr. Lombardi will be meeting with Mr. Benoit to follow up on this issue.**

**No one wanted to see this problem languishing forever. It's been going on for decades and needs to be corrected.**

**Ms. Hamilton noted that the administration has been following the letter of the law and has been keeping on top of this huge problem. He has been cited and has been to both Superior Court and to Municipal Court.**

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**Mr. Benoit added that he has notified Mr. Desper that he could be fined up to \$500.00 per violation per day but it is the court that sets the fine.**

### **Woonsocket Hill Road**

**Mr. Benoit stated that before Mr. Lavallee was issued a building permit he knew he had wetlands on the property and hired a contractor to flag the edge of the wetland. However, the excavator dug closer to the wetland than he was allowed. The Department of Environmental Management has since cited Mr. Lavallee for the violation and it has to be rectified. Mr. Lavallee has submitted an application for a smaller building which is on hold until he has corrected the situation. The town does not have jurisdiction over enforcement of DEM wetlands.**

**The Building Inspector's office utilizes a checklist of requirements for the issuance of permits and since this problem has arisen, Mr. Benoit**

is working on an updated list.

**AWARD OF BID FOR SCHOOL DEPARTMENT PORTABLE RADIOS**  
**MOTION** by Mr. Zwolenski, seconded by Mr. McGee and Mr. Yazbak to approve the purchase of 45 Motorola XPR3500 Portable Radios from Industrial Communications for a total purchase price of \$23,400 based upon the recommendations of the Finance Director, the Town Administrator, the Superintendent of Schools and the School Facilities Manager.

If the radios are purchased prior to August 22, 2014, they will be eligible for a rebate promotion of \$325 for every ten radios which equals \$1,300. This amount does not come off the radio invoice and the Town can anticipate a check within four to six weeks after receipt of the radios.

Funds are allocated from the Town's Capital Outlay - Schools account.

## **TOWN COUNCIL TWO-YEAR WORKPLAN**

Mr. Flaherty reviewed the goals of the Council initially adopted on January 7, 2013 that have been accomplished over the past two years and what was unable to be accomplished.

## **ABATEMENTS**

**MOTION** by Ms. Alves, seconded by Mr. Zwolenski, and voted

**unanimously on a roll call vote to continue this to September 2, 2014.**

**It was decided to limit the list to anything over \$1,500.00.**

## **LITTLE RED SCHOOLHOUSE LEASE AND ACCEPTANCE OF PROPERTY FROM THE SCHOOL DEPARTMENT**

**Mr. Lombardi stated that in 2012 the School Committee voted unanimously to declare the schoolhouse as surplus inventory and asked the town to take it over. It was suggested that the Town accept the schoolhouse from the school department and then lease it to the North Smithfield Heritage Association.**

**Because the lease was not included in the packet, MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to accept the property, enter the letter from Superintendent of Schools Stephen F. Lindberg to Town Council President Christine Charest dated October 19, 2012 into the record and continue the matter to September 15, 2014.**

## **EXECUTIVE SESSION**

**MOTION by Ms. Alves, seconded by Mr. McGee and Mr. Zwolenski, and voted unanimously on a roll call vote to enter into executive session at 9:31 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation or work sessions pertaining to collective bargaining or litigation to review pending and closed legal cases.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on a roll call vote to come out of executive session at 10:01 P.M. and to seal the minutes. No motions were made and no votes were taken.**

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**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to adjourn at 10:02 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**